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**MINUTES
SUNNYVALE CITY COUNCIL
May 18, 2004**

The City Council of the City of Sunnyvale adjourned from a 5:00 p.m. Closed Session regarding Personnel Matters, City Attorney, Pursuant to Government Code Section 54957, a 6:00 p.m. Study Session regarding Joint Council Session with the Sunnyvale School District, met in regular session in the City Council Chambers, 456 West Olive Avenue, Sunnyvale, CA at 7:30 p.m. with Mayor Howe presiding.

The Lakewood School Color Guard gave the presentation of colors and led the salute to the flag.

ROLL CALL

PRESENT:

Mayor John Howe
Vice Mayor Dean Chu
Councilmember Fred Fowler
Councilmember Julia Miller
Councilmember Ron Swegles
Councilmember Melinda Hamilton
Councilmember Otto Lee

Staff Present:

Amy Chan, City Manager
Chuck Schwabe, Deputy City Manager
Valerie J. Armento, City Attorney
Marvin Rose, Director of Public Works
Mark Gregersen, Director of Human Resources
Mike Curran, Director of Employee Development
Robert Walker, Director of Parks and Recreation
Mike Maehler, Acting Director of Public Safety
Mary Bradley, Director of Finance
Jenny Shain, Manager in the Department of Parks & Recreation
Trudi Ryan, Planning Officer
Connie Verceles, Senior Management Analyst
Heather Tannehill, Public Safety Casual Management
Cheryl Solov, Management Analyst
Pablo Federico, Administrative Analyst
Susan Ramos, City Clerk

SPECIAL ORDER OF THE DAY

Mayor Howe presented a proclamation to Marvin Rose, Director of Pubic Works, proclaiming May 16 through May 22 as National Public Works Week in Sunnyvale.

Mayor Howe proclaimed the week of May 16 through May 22, 2004 as National Small Business Week.

PUBLIC ANNOUNCEMENTS

Per Mayor Howe's request, Trudi Ryan, Planning officer, announced the Forum Development Group did not file a complete application since it did not have the Macy's signature on their proposal. Macy's stated they intend to sign the application but have not done so yet. Because of the delay, the earliest public hearing on the redevelopment of the town center mall site will be August 10.

Vice Mayor Chu made the following announcements on behalf of the Council:

The Council met in Closed Session regarding Personnel Matters, City Attorney, Pursuant to Government Code Section 54957. Direction was given and action was taken.

The City of Sunnyvale's fifth annual Health and Safety Fair is scheduled for Saturday, May 22, from 11:00 a.m. to 3:00 p.m. at the Columbia Neighborhood Center, located at 785 Morse Avenue. For more information, contact Larry Pitchford at 408-730-7472, or email at lpitchford@ci.sunnyvale.ca.us.

On June 2, KSUN, channel 18, will move to channel 15. KSUN will continue to broadcast live City Council and Planning Commission meetings, as well as taped rebroadcasts, special programs and informational slides. In addition, the Sunnyvale Public Access Channel will move from Channel 60 to Channel 26. For more information, call the Sunnyvale Communications Division at (408) 730-7535 or Comcast Customer Service at (800) 945-2288.

Thursday, May 20 is *Bike to Work Day*. For more information visit 511.org or contact Tanya Higgins at 730-1723.

There is an ongoing recruitment for all the City Boards and Commissions. The application deadline is Friday, May 21 at 5:00 p.m. For more information, call the City Clerk's office at (408) 730-7595.

Councilmember Hamilton noted that today is the 50th anniversary of Sunnyvale being a chartered City.

Councilmember Swegles announced May is Veterans month.

CONSENT CALENDAR

Councilmember Swegles requested item 1.I. be pulled from the Consent Calendar and considered separately. **Vice Mayor Chu moved, and Councilmember Swegles seconded, approval of the Consent Calendar with the exception of 1.I. The motion carried unanimously.**

1.A. [Approval of Draft Minutes \(Regular Meeting of May 11, 2004\)](#)

1.B. [Approval of Information/Action Items](#) - Council
Directions to Staff

Fiscal Items

1.C. [RTC 04-176](#) List of Claims and Bills Approved for Payment by the City Manager (No. 196)

Staff Recommendation: Review the attached lists of bills.

- 1.D. [RTC 04-179](#) Award of Bid No. F0312-37 to Upgrade the City's Computer Network Infrastructure
- Staff Recommendation: Award a purchase order, in substantially the same form as the attached draft, and in the amount of \$374,692, to SBC California for the Network Infrastructure Upgrade Project; and approve a contingency in the amount of \$56,204
- 1.E. [RTC 04-178](#) Award of Contract for Radio Communication Systems Maintenance (No. F0305-73)
- Staff Recommendation: Award a one-year contract, in substantially the same form as the attached draft, and in an amount not to exceed \$177,983, to Motorola, Inc., for the maintenance of the City's radio communications systems.
- 1.F. [RTC 04-177](#) Award of Bid No. F0301-44 to Remodel the Restrooms at Six Sunnyvale Parks
- Staff Recommendation: Award a contract, in substantially the same form as the attached draft, and in the amount of \$221,768, to William G. Fritz doing business as W. G. Fritz Construction for the Park Restroom Remodel Project; and approve a project contingency in the amount of \$33,265.
- 1.G. [RTC 04-182](#) Approval to Increase Investment in the State of California's Pooled Investment, Local Agency Investment Fund (LAIF)
- Staff Recommendation: Adopt approval to amend the City's Investment and Cash Management Policy to increase the amount allowed to be invested in the State of California's Local Agency Investment Fund (LAIF).
- 1.H. [RTC 04-180](#) Mary Avenue Overcrossing Project Cooperative Agreement for Cost Sharing and Budget Modification No. 40
- Staff Recommendation: Authorize the City Manager to execute the Cost Sharing Agreement Between the City of Cupertino and the City of Sunnyvale for the Mary Avenue Overcrossing Project and approve Budget Modification No. 40.

Personnel Items

- 1.I. RESOLUTION NO. 114-04 [RTC 04-185](#) NOVA Fiscal Year 2003-2004 Voluntary Leave of Absence Program Related to Funding Gap

Mark Gregersen, Director of Human Resources, and Mike Curran, Director of Employee Development, responded to questions regarding staff reductions.

Mayor Howe opened the Public Hearing at 7:51 p.m., and there being no public comments, closed the Public Hearing.

Councilmember Swegles moved, and Councilmember Hamilton seconded, to adopt the NOVA Fiscal Year 2003-04 Voluntary Leave of Absence Program related to Funding Gap, and authorize the Director of Human Resources, on behalf of the City, to execute the agreement to establish the program guidelines. The motion carried unanimously.

RESOLUTION NO. 114-04 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE APPROVING A FISCAL YEAR 2003-2004 VOLUNTARY LEAVE OF ABSENCE PROGRAM FOR NOVA EMPLOYEES

Other Items

- 1.J. ORDINANCE Adoption of the Moffett Park Specific Plan Zoning Ordinance

[NO. 2750-04](#)

ORDINANCE NO. 2750-04 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE ADDING CHAPTER 19.29 TO THE SUNNYVALE MUNICIPAL CODE IMPLEMENTING THE MOFFETT PARK SPECIFIC PLAN AND MAKING RELATED CHANGES TO OTHER SUNNYVALE MUNICIPAL CODE PROVISIONS

CITIZENS TO BE HEARD

Linda McIntyre, a member of the public, requested a waiver of the \$1200 fee for renting the Sunnyvale Community Ballroom for a fundraiser to benefit the music program of Columbia Middle School.

Mayor Howe requested City Manager to agendize an item on May 25, regarding this request. The Council concurred.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RESOLUTION NO. Resolution of Intention to Levy and Collect Assessment for the
115-04 Downtown Maintenance Parking District for Fiscal Year 2004/2005
[rtc 04-187](#) and 2005/2006 and Approve Preliminary Engineer's Report

Connie Verceles, Senior Management Analyst, presented the staff report.

Staff responded to Council questions regarding the impact of no action, the use of reserve funds, the parking district parameters, the Charles Street parking lot, the meetings with the downtown merchants, and the maintenance assessment.

Mayor Howe opened the Public Hearing at 8:16 p.m. and, there being no public comments, closed the Public Hearing.

Councilmember Swegles moved, and Mayor Howe seconded, to adopt a resolution of intention, approve the preliminary Engineer's Report, set the July 13, 2004 City Council

meeting for the required public hearing, and authorize the mailing of Notice of Proposed Assessment and ballots.

Councilmember Hamilton offered a friendly amendment to reflect the mathematical corrections to the numbers in the Engineer's Report with regards to the three properties owned by MF Downtown Sunnyvale LLC. The amendment was accepted. The motion carried unanimously.

RESOLUTION NO 115-04. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE DECLARING ITS INTENTION TO LEVY AND COLLECT AN ASSESSMENT FOR THE DOWNTOWN PARKING MAINTENANCE DISTRICT FOR FY 2004-05 AND FY 2005-06

3. [RTC 04-170](#) Exploration of Youth Rates for Recreation Programs and Activities - Study Issue

Jenny Shain, Manager in the Department of Parks and Recreation, assisted by Robert Walker, Director of Parks and Recreation, presented the staff report.

Staff responded to questions posed by Council regarding the lack of facts in the report and conclusions drawn by staff, notification to community groups, how rates are set, and non-resident fees.

Mayor Howe opened the Public Hearing at 8:39 p.m.

Holly Lofgren, a member of the public, requested the report be sent back for further work and expressed concern about some of the conclusions that were reached.

Mayor Howe closed the Public Hearing at 8:44 p.m.

Councilmember Fowler moved, and Councilmember Swegles seconded, to ask staff to rewrite the report and come back with information about youth populations being served by the programs, their ethnicity, economical and geographic backgrounds and comparing that data with the demographics of the City. Also, to include a description of the current methodology used for establishing rates.

Councilmember Swegles offered a friendly amendment to include senior rates in the scope of the study, using the same format as will be used for the youth rates. The amendment was accepted.

Vice Mayor Chu made a substitute motion, and Mayor Howe seconded, to accept the report as an information report only with the understanding that it reflects the methodology that the Parks and Recreation Department is currently using, but not necessarily what Council is endorsing. Council also clarified that they disagreed with the conclusions made in the report regarding the Fremont Pool. Additionally, schedule a study issue item for ranking in December (sponsored by Councilmember Fowler, Vice Mayor Chu and Councilmember Lee) that includes a scope of work with the items outlined by Councilmember Fowler regarding the youth population served and their ethnic, economic and geographic backgrounds.

Councilmember Fowler supported the substitute motion with a friendly amendment to accept the report and clarify that the Council disagreed with the conclusions listed on page 13 of the report. The amendment was accepted. The motion carried unanimously.

Mayor Howe asked staff to scope out the study and bring it back to Council in the next 3 to 4 months for its consideration before the Study Issue ranking process in December. The Council

concurring.

4. [RTC 04-186](#) Enhancing Community Linkages with the Sunnyvale Department of Public Safety

Mike Maehler, Acting Director of Public Safety, assisted by Heather Tannehill, Public Safety Casual Management, presented the staff report.

Staff responded to Council inquiries regarding promoting a general symposium on neighborhood watch, affirmative action, profiling, clarification of the study issue, and demographics.

Mayor Howe opened the Public Hearing at 9:39 p.m., and there being no public comments, closed the Public Hearing.

Councilmember Miller moved, and Councilmember Hamilton seconded, to accept the report without further direction.

Councilmember Hamilton offered a friendly amendment to ask the department to return to Council in a year with an update on actions taken on the recommendations. The amendment was accepted.

Councilmember Lee offered a friendly amendment to ask staff to return to Council with information regarding the implementation of a specific policy on racially biased policing. The amendment was accepted.

The motion carried unanimously.

Mayor Howe declared a recess at 9:45 p.m. and reconvened at 9:52 p.m.

5. [RTC 04-165](#) Adoption of Fiscal Year 2004/2005 Performance Audit Work Plan

Cheryl Solov, Management Analyst, assisted by Mary Bradley, Director of Finance, and Pablo Federico, Administrative Analyst, presented the staff report.

Staff responded to questions posed by Council regarding high risk to Golf Courses, programs eligible for review, and assuring compliance.

Mayor Howe opened the Public Hearing at 10:01 p.m. and, there being no public comments, closed the Public Hearing.

Councilmember Hamilton moved, and Councilmember Swegles seconded, to adopt the Work Plan as proposed, as shown in Attachment A. The motion carried unanimously.

6. [RTC 04-183](#) Transmittal of Performance Audit Report of Fiscal Year 2001/2002 Animal Control Program

Pablo Federico, Administrative Analyst, assisted by Mary Bradley, Director of Finance presented the staff report.

Staff responded to questions posed by the Council regarding people operating a kennel without a license, follow up to see if fines are paid, outcome measure reporting, the process by which the process for measuring outcome measures will change, and an audit restructure.

Mayor Howe opened the Public Hearing at 10:17 p.m. and, there being no public comments, closed the Public Hearing.

Councilmember Miller moved, and Councilmember Swegles seconded, to receive the report and request staff to hold a study session to discuss audit findings and recommendations.

Councilmember Swegles offered a friendly amendment to include the following two additional items in the study session: Follow-up process for payment of fines to ensure payment is received and the process for people who are operating kennels (3 or more pets) without a license. The amendment was accepted. The motion carried unanimously.

7. [rtc 04-184](#) Transmittal of Performance Audit Report of Fiscal Year 2001/2002
Emergency Preparedness Program

Cheryl Solov, Management Analyst, assisted by Mary Bradley, Director of Finance, and Pablo Federico, Analyst, presented the staff report.

Staff responded to questions posed by Council regarding evaluation forms. Councilmember Swegles suggested Arley Marley might be a helpful resource in creating these forms.

Mayor Howe opened the Public Hearing at 10:22 p.m. and, there being no public comments, closed the Public Hearing.

Councilmember Swegles moved, and Councilmember Hamilton seconded, to receive the audit report and request staff to hold a study session to discuss the audit findings and recommendations including the outcome measures identified in the report. Also suggest staff work with the program department to develop evaluation forms. The motion passed unanimously.

NON-AGENDA ITEMS & COMMENTS

COUNCIL

Councilmember Hamilton requested staff include references in their reports to Council on previous Council action or reports to Council when it is applicable.

STAFF

City Manager Chan presented to the Council the recommended budget for next year and noted the Budget Workshop is scheduled for Tuesday, May 25, the public hearing on June 1, and the adoption of the budget on June 15. The budget will be posted on the web on Wednesday, May 19.

City Manager Chan requested the Council bring their copies of the audit reports to the study session and she will work with the Mayor to schedule the study session dates.

ADJOURNMENT

Mayor Howe declared the meeting adjourned to the Redevelopment Agency at 10:30 p.m.

Respectfully Submitted,

Susan Ramos
City Clerk

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